



General Assembly

January Session, 2003

Raised Bill No. 865

LCO No. 2942

Referred to Committee on Energy and Technology

Introduced by:
(ET)

AN ACT CONCERNING MINOR REVISIONS TO UTILITY STATUTES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 16-43 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2003*):

4 (a) A public service company shall obtain the approval of the
5 Department of Public Utility Control to directly or indirectly (1) merge,
6 consolidate or make common stock with any other company, or (2)
7 sell, lease, assign, mortgage, except by supplemental indenture in
8 accord with the terms of a mortgage outstanding May 29, 1935, or
9 otherwise dispose of any essential part of its franchise, plant,
10 equipment or other property necessary or useful in the performance of
11 its duty to the public, [provided (A)] a public service company other
12 than a water company may sell, lease, assign, mortgage or otherwise
13 dispose of improved real property with an appraised value of two
14 hundred fifty thousand dollars or less without such approval. [, and
15 (B) a] The department shall follow the procedures in section 16-50c
16 for transactions involving unimproved land owned by a public service
17 company other than a water company. (A) water company supplying

18 water to more than five hundred consumers may sell, lease, assign,
 19 mortgage, or otherwise dispose of real property, other than public
 20 watershed or water supply lands, with an appraised value of fifty
 21 thousand dollars or less without such approval. The department shall
 22 not accept an application to sell watershed or water supply lands until
 23 the Commissioner of Public Health issues a permit pursuant to section
 24 25-32. The condemnation by a state department, institution or agency
 25 of any land owned by a public service company shall be subject to the
 26 provisions of this subsection. On February 1, 1996, and annually
 27 thereafter, each public service company shall submit a report to the
 28 Department of Public Utility Control of all real property sold, leased,
 29 assigned, mortgaged, or otherwise disposed of without the approval of
 30 said department during the previous calendar year. Such report shall
 31 include for each transaction involving such property, without
 32 limitation, the appraised value of the real property, the actual value of
 33 the transaction and the accounting journal entry which recorded the
 34 transaction.

35 Sec. 2. Subdivision (6) of section 16-19m of the general statutes is
 36 repealed and the following is substituted in lieu thereof (*Effective*
 37 *October 1, 2003*):

38 (6) "Electric utility" means (A) any [domestic] electric company [, as
 39 defined in section 16-246a] organized under the laws of this state, (B)
 40 any foreign electric company, as defined in [said section] section 16-
 41 246f, as amended by this act, (C) any municipal electric utility
 42 organized under chapter 101, and (D) any municipal electric energy
 43 cooperative organized under chapter 101a.

44 Sec. 3. Subsection (a) of section 16-246f of the general statutes is
 45 repealed and the following is substituted in lieu thereof (*Effective*
 46 *October 1, 2003*):

47 (a) As used in this section:

48 (1) "Assistance" means any aid or support provided, or any actions

49 taken by a domestic electric company for or on behalf of another
50 domestic electric company or by a foreign electric company for or on
51 behalf of a domestic electric company including, without limitation,
52 the temporary transfer or use of repair personnel and equipment;

53 (2) "Domestic electric company" means any electric company or
54 electric distribution company, as defined in section 16-1, any
55 membership electric cooperative organized under chapter 597 and any
56 municipal electric utility or municipal electric energy cooperative, as
57 defined respectively in section 7-233b, which has been chartered by or
58 organized or constituted within or under the laws of this state;

59 (3) "Foreign electric company" [shall have the same meaning as
60 provided in section 16-246a] means a corporation, company,
61 association, joint stock association or trust organized under the laws of
62 a state other than this state, as well as, a town, city, borough, or a
63 municipal corporation, department or agency thereof, whether
64 separately incorporated or not, of a state other than this state,
65 authorized under the laws of the state in which organized to generate
66 or transmit electric energy.

67 Sec. 4. Subsection (a) of section 16-262d of the general statutes is
68 repealed and the following is substituted in lieu thereof (*Effective*
69 *October 1, 2003*):

70 (a) No electric, electric distribution, gas, telephone or water
71 company, no electric supplier and no municipal utility furnishing
72 electric, gas or water service may terminate such service to a
73 residential dwelling on account of nonpayment of a delinquent
74 account unless such company, electric supplier or municipal utility
75 first gives notice of such delinquency and impending termination by
76 first class mail addressed to the customer to which such service is
77 billed, at least thirteen calendar days prior to the proposed
78 termination, except that if an electric, electric distribution or gas
79 company, electric supplier or municipal utility furnishing electric or
80 gas service has issued a notice under this subsection but has not

81 terminated service prior to issuing a new bill to the customer, such
 82 company, electric supplier or municipal utility may terminate such
 83 service only after mailing the customer an additional notice of the
 84 impending termination, addressed to the customer to which such
 85 service is billed either (1) by first class mail at least thirteen calendar
 86 days prior to the proposed termination, or (2) by certified mail, at least
 87 seven calendar days prior to the proposed termination. In the event
 88 that multiple dates of proposed termination are provided to a
 89 customer, no such company, electric supplier or municipal utility shall
 90 terminate service prior to the latest of such dates. For purposes of this
 91 subsection, the thirteen-day periods and seven-day period shall
 92 commence on the date such notice is mailed. [If such company, electric
 93 supplier or municipal utility does not terminate service within one
 94 hundred twenty days after mailing the initial notice of termination,
 95 such company, electric supplier or municipal utility shall give the
 96 customer a new notice at least thirteen days prior to termination.]
 97 Every termination notice issued by a public service company, electric
 98 supplier or municipal utility shall contain or be accompanied by an
 99 explanation of the rights of the customer provided in subsection (c) of
 100 this section.

101 Sec. 5. (*Effective October 1, 2003*) Sections 16-246a to 16-246d,
 102 inclusive, of the general statutes are repealed.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>

Statement of Purpose:

To exempt transactions of improved land worth less than two hundred fifty thousand dollars by public service companies that are not water companies from the requirement of approval by the Department of Public Utility Control, to delete contradictory language regarding the

manner in which a utility must provide notice of termination of services is to be provided to a delinquent customer, and to repeal provisions relating to the department's regulatory authority over foreign-owned electric generation companies.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]